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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/421,676	10/20/1999	BERNHARD GOTZ	964-991369	4487

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WILLIAM H LOGSDON  
700 KOPPERS BUILDING  
436 SEVENTH AVENUE  
PITTSBURGH, PA 152191818

EXAMINER

MAR, MICHAEL Y

ART UNIT	PAPER NUMBER
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3619

DATE MAILED: 12/04/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/421,676

Applicant(s)  
Gernhard Gotz

Examiner  
Michael Mar

Art Unit  
3619



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE Three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-19, 21, and 22 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19, 21, and 22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some\* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 20) ☐ Other: \_\_\_\_\_

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 21 & 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chene et al.

Chene et al discloses a “rear weight” formed by a structural member 1 which is adapted in one configuration to be attached to the rear of a commercial vehicle. An engine is fastened to the rear weight and the rear weight is fastened to the rear of the vehicle.

It would have been obvious to use the teaching of Chene et al with any type of vehicle including that of an industrial truck.

3. Claims 2-6 & 8-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chene et al in view of Wakana et al.

Wakana et al teaches mounting an engine on a “weight” formed by a sub-frame 1.

Vibration generated by the engine is first transmitted to the weight which is then transmitted to

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the main frame. Elastic engine mounts 4 (Figs. 1 & 2) are used for mounting the engine transversely with respect to a vehicle for permitting oscillating motion of the engine about a transverse axis extending through the engine mounts. Wakana et al also teaches the use of a torque support 6 which connects the engine to the vehicle frame for minimizing oscillating motion, the torque support being spaced a distance from the axis (Figs. 9 & 10).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the vehicle of Chene et al with a transversely mounted engine as taught by Wakana et al as an alternative choice to the longitudinally extending engine. It would have been further obvious to provide the engine with a torque support as further taught by Wakana et al in order to minimize oscillating motion of the engine.

4. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chene et al as applied to claim 1 above and further in view of Nichter.

Nichter teaches the use of hydraulic units operatively connected to an internal combustion engine.

It would have been obvious to provide the vehicle of Chene et al with a hydraulic unit operatively connected to the engine as taught by Nichter in order to provide the vehicle with a source of hydraulic power.

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5. Claims 15-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chene et al in view of Wakana et al as applied to claim 2 above and further in view of Nichter.

Nichter teaches the use of hydraulic units operatively connected to an internal combustion engine.

It would have been obvious to provide the vehicle of Chene et al and Wakana et al as combined above with a hydraulic unit operatively connected to the engine as taught by Nichter in order to provide the vehicle with a source of hydraulic power.

6. Claims 1, 21 & 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raleigh.

Raleigh discloses a "rear weight" formed by a structural member 1 which is adapted in one configuration to be attached to the rear of a commercial vehicle. An engine is fastened to the rear weight and the rear weight is fastened to the rear of the vehicle.

It would have been obvious to use the teaching of Raleigh with any type of vehicle including that of an industrial truck.

7. Claims 2-6 & 8-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raleigh in view of Wakana et al.

Wakana et al teaches mounting an engine on a "weight" formed by a sub-frame 1. Vibration generated by the engine is first transmitted to the weight which is then transmitted to the main frame. Elastic engine mounts 4 (Figs. 1 & 2) are used for mounting the engine

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transversely with respect to a vehicle for permitting oscillating motion of the engine about a transverse axis extending through the engine mounts. Wakana et al also teaches the use of a torque support 6 which connects the engine to the vehicle frame for minimizing oscillating motion, the torque support being spaced a distance from the axis (Figs. 9 & 10).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the vehicle of Raleigh with a transversely mounted engine as taught by Wakana et al as an alternative choice to the longitudinally extending engine. It would have been further obvious to provide the engine with a torque support as further taught by Wakana et al in order to minimize oscillating motion of the engine.

8. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Raleigh as applied to claim 1 above and further in view of Nichter.

Nichter teaches the use of hydraulic units operatively connected to an internal combustion engine.

It would have been obvious to provide the vehicle of Raleigh with a hydraulic unit operatively connected to the engine as taught by Nichter in order to provide the vehicle with a source of hydraulic power.

9. Claims 15-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raleigh in view of Wakana et al as applied to claims 1 & 2 above and further in view of Nichter.

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Nichter teaches the use of hydraulic units operatively connected to an internal combustion engine.

It would have been obvious to provide the vehicle of Raleigh and Wakana et al as combined above with a hydraulic unit operatively connected to the engine as taught by Nichter in order to provide the vehicle with a source of hydraulic power.

10. Applicant's remarks have been considered but are deemed moot in view of the new grounds of rejection.

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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**12. Any response to this action should be mailed to:**

Assistant Commissioner for Patents  
Washington, D.C. 20231

**or faxed to:**

(703) 308-2571

(for formal communications intended be entered)

(all informal communications should be labeled "PROPOSED" OR "DRAFT")

**or hand delivered to:**

Crystal Park 5, 2451 Crystal Drive, Arlington, Virginia 22202  
Seventh Floor(receptionist)

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Mar at telephone number (703) 308-2087, or by e-mail to: [michael.mar@uspto.gov](mailto:michael.mar@uspto.gov)

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.



**MICHAEL MAR**

**Primary Examiner**

M.Mar

11-30-2001